

**MINUTES OF THE FOURTH MEETING OF THE STATUTE LAW COMMITTEE
2011-2013 Biennium**

June 12, 2013

The Statute Law Committee held its fourth regular meeting at noon in the Senate Rules Room, located on the second floor, southeast corner of the Legislative Building.

The meeting opened with Chair Roger Goodman presiding.

Members present: Barbara Baker, Nicholas Brown, Ken Conte, Hunter Goodman, Susan Owens, and Richard Rodger.

Members absent: Anna Endter, Adam Kline, and Jay Rodne.

Also in attendance were Kyle Thiessen, Code Reviser, who serves as the committee's secretary; Lew Lewis, Deputy Code Reviser; Kerry Radcliff, Washington State Register editor, and Debbie Deibert, Administrative Secretary.

Chair Goodman called the meeting to order and said a few words honoring Senator Mike Carrell who had served on the Statute Law Committee for many years and who had become vice chair of the committee in January. It was decided that after the Senate appoints a member to take his place on the committee, that nominating and electing a new vice chair will take place at the next regularly scheduled meeting in the fall.

Introductions were made of new members present: Nicholas Brown and Hunter Goodman. Kyle noted that new member Anna Endter was unable to attend, but he had the pleasure of meeting her shortly after her appointment and discussing the history and work of the committee.

A motion was made and seconded that the minutes of the two previous Statute Law Committee meetings held on December 4, 2012 and January 10, 2013 be approved. The motion carried. (Tab 1)

Kyle noted that membership in the committee had changed considerably since the last time the resolution which continues his appointment as code reviser and outlines certain duties and responsibilities had been presented for their review. Any questions or concerns should be brought to his attention. (Tab 2)

The statute law committee publications account is a revolving fund created in 1961. Its purpose is to finance the production and sale of the committee's publications. The publications include the Washington State Register, Washington Administrative Code, the perfect bound session laws, the Revised Code of Washington, and various CD-ROMs. It was explained that with the success of internet access to view and print the codes and rules, fewer books are being purchased and the balance in the publication account declined. By utilizing new publication standards, over the past six years the balance in the account has stabilized. This was attained by reducing the number of sets published, publishing the Washington State Register exclusively by electronic means except for the paper copies for archival libraries which are printed in-house, and by offering most publications on CD-ROM.

Lew noted thatpre-sales of the WAC has been a successful way to determine how many sets need to be published and that this strategy could be used for ordering the number of session laws published. Currently, the session laws drain approximately \$25,000 each year from the account in part because of the price to publish it and the low number of sets sold. He also noted that we are finally seeing recession pricing from the binding/publishing companies.

Discussion was held concerning the desire of the committee to keep the price of publications low and reasonable to the public. The committee was informed about the contracts with three commercial publishing companies who use our product. Their contracted payment of \$15,000 for the WAC or RCW and \$1,500 for the Washington State Register helps to maintain a healthier balance in the publication account.

Lew informed the committee that the RCW will probably be on-line sometime in September and month or two later distribution of the printed 2013 RCW Supplement would occur. The session laws will be on-line about two weeks after the governor has finished signing. The perfect bound copies of the session laws and the RCW are a specialty publication and we have not had too many bidders. In-house we are publishing approximately 60 copies of the Washington State Register. He reported that the RCW is still a money maker and it stays current longer than the WAC. By the time customers receive their WAC set,

many rules can be out of date. A report of the expenditures and revenues of the publication account was provided. (Tab 3)

Kerry Radcliff reported to the committee the activities and achievements of the Washington Administrative Code, Washington State Register, and Order Typing Service staff.

The WAC codifies the regulations that have been permanently adopted. The WAC is arranged by agency. The online version of the WAC is updated twice a month in an html format. On the website you are able to view section by section or you can combine all the sections in a specific chapter. Currently, this part of the office is moving to a new authoring system called OxyGen. By using this system, we are hoping that the html copy on our website will more consistently reflect the actual WAC data base.

Each year the WAC is republished entirely. 2004-2011 are published by title and are available in the WAC archive on-line. The last two years, the WAC has been published by chapters instead of by title. This makes the document easier for consumers to use.

The Washington State Register is a biweekly publication distributed on the first and third Wednesdays of each month. Documents included in the register are: Preproposal statements of inquiry, notices of proposed rulemaking, emergency and permanently adopted rules, public meeting notices, Supreme Court rules to name a few. Kerry also informed the committee about the contents of our Register's web site which includes basic filing procedures, flow charts, agency activity, calendars, rules coordinators list, etc.

Kerry gave a description of the Order Typing Service. OTS is a cooperative effort between the Code Reviser's Office and state rule-making agencies to prepare new, amendatory, and repealed rules with minimum effort. This service is provided at no charge to rule-making agencies for their convenience in preparing their proposed and adopted rules.

Kerry listed the recent enhancements to these areas of the office, which includes the electronic filing of rules in the WSR since July of 2006 (92% electronic filings), cost savings of designing our own process, and ease of use for other agencies.

Kerry is currently the vice president of the national Administrative Codes

and Registers (ACR) section of the National Association of Secretaries of State. Next year Kerry will preside as president of this prestigious organization.

Kyle updated the committee on the status of the office's general fund account. It appears that there is sufficient money available to complete all authorized payments, salaries and benefits to the end of the fiscal year. Beginning next fiscal year there will be a change in the office's payments for computer services. Instead of a large agreed to monthly amount, the office will be billed according to number of computer stations and telephones in use. (Tab 4)

Kyle gave a brief description of the Uniform Legislation Commission's history. The commission was created in the 1890's and since that date, the state of Washington has adopted over 100 uniform acts. Sending representation to the annual meeting is an important step in forming and adopting interstate laws.

The past four years, the state has paid 50% dues and reimbursement for travel by the five commissioners was limited to \$10,000 for the 2011 annual conference and \$12,000 in 2012. The commission is asking for full funding for the 2013 conference in Boston. The commission has been reminded to remain frugal with travel expenses. One important aspect of the meeting in Boston will be our state's preparing for hosting the 2014 annual conference in Seattle. Justice Owens made a motion to fully fund the ULC, Hunter Goodman seconded the motion. The motion carried. (Tab 5)

In the fall of 2012, the Code Reviser's Office submitted its 2013-2015 budget request. The recommendation summary of our request for operating funds and the differences in amounts appropriated in the Senate and the House version of an operating budget was made available to the committee. Kyle noted that we could get by with either although the house version was more consistent with the plans of the agency. Kyle informed the committee of changes made in the office in order to survive the budget cuts of the past many years. One change he mentioned concerned the scheduling of staff during session. Kyle listed the number of employees in each section of the office. He also noted that this year the number of bills drafted was down, bills introduced equaled 1,991, and 341 bills passed the legislature.

A report of the 2013 multiple amendments with the recommendations of the code reviser as to codification were presented to the committee. Kyle explained that by sharing the list with the committee and with house and senate staff, the office has received helpful comments as to merging or displaying both versions in

the published RCW. Members of the Statute Law Committee are given a two-week period of time to review and comment on the multiple amendment recommendations. A motion was made, seconded and adopted to allow a two-week review and report to Kyle if there were any changes to be made. (Tab 7)

Kyle stated that the committee endorsed three bills during the 2013 legislative session. The gender neutral bill is finally done and unless pressed there will be no other bills to address some words which are troublesome to find a neutral term for.

Thereupon, the meeting adjourned at 1:30 p.m., the next meeting to be held at the call of the Chair.

K. KYLE THIESSEN, Secretary

ROGER GOODMAN, Chair

Date